

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)
)
EASTERN LIVESTOCK CO., LLC) Case No. 10-93904-BHL-11
)
Debtor.)

**MOTION FOR EXTENSION OF MAY 2, 2011 BAR DATE
FOR FILING OF THE GIBSON TRUSTEE'S PURCHASE MONEY CLAIMS**

Kathryn L. Pry, chapter 7 trustee of the bankruptcy estate of Thomas P. Gibson and Patsy M. Gibson (the "Gibson Bankruptcy Estate"), Case No. 10-93867-BHL-7A (the "Gibson Trustee"), by counsel, for her *Motion for Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee's Purchase Money Claims* (this "Motion"), states as follows:

1. The Gibson Trustee was appointed on December 1, 2010 (the "Gibson Petition Date") and continues to investigate and identify assets of Thomas P. Gibson and Patsy M. Gibson (the "Gibsons").
2. On January 24, 2011, this Court entered the *Order Granting Trustee's Emergency Motion Regarding Payments on Debtor's Cattle Sales* (the "Order") [Docket No. 234]. The Order establishes a bar date of May 2, 2011, for filing of all "Purchase Money Claims". Among other things, paragraph I. of the Order provides that any person that holds or wishes to assert a Purchase Money Claim must file a proof of claim, together with all supporting documentation, on or before 11:59 P.M. on May 2, 2011.
3. The Order defines "Purchase Money Claims" as any lien, claim, encumbrance, or interest that may be asserted against the Purchase Money. The Gibson Trustee may have a claim to the Purchase Money to the extent any of the Purchase Money constitutes proceeds from the sale of cattle owned by the Gibsons.

4. The Gibson Trustee is in the process of investigating whether the Gibson Bankruptcy Estate has a Purchase Money Claim. Pursuant to an Agreed Entry filed in this case and in the Gibsons' bankruptcy case, the Gibson Trustee will receive documents from Cactus Growers, Inc., Friona industries, L.P., and J&F Oklahoma Holdings, Inc. (including the captive feedlot JBS Five Rivers) (the "Feedlot Documents"). Moreover, Trustee Knauer has recently informed counsel for the Gibson Trustee that he has identified electronic records of cattle sales made by Thomas P. Gibson (the "Gibson Cattle Sales Documents"). The Gibson Trustee will not receive all of the Feedlot Documents and the Gibson Cattle Sales Documents prior to the May 2, 2011 bar date. The Feedlot Documents and the Gibson Cattle Sales Documents will assist the Gibson Trustee in identifying whether or not the Gibson Bankruptcy Estate has a claim to the Purchase Money.

5. Pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure, a court is permitted to extend the deadline for filing proof of claims "for cause shown." Further, Rule 9006(b)(1) allows the court for cause shown to order the period enlarged if the request is made before the expiration of the period originally prescribed or as extended by a previous order.

6. Based on the complexities of the transactions involved in this case and the Gibsons' bankruptcy case, and the need for additional discovery as set forth above, the Gibson Trustee has demonstrated the necessary cause for extending the deadline to file Purchase Money Claims on behalf of the Gibson Bankruptcy Estate. Additionally, this Motion is made before the expiration of the current deadline of May 2, 2011 and is not being made for the purpose of delay or any other improper purpose.

7. Based on the reasons stated above, the Gibson Trustee requests an extension of ninety (90) days for the deadline to file on behalf of the Gibson Bankruptcy Estate Purchase

Money Claims. The Eastern Livestock Bankruptcy Estate will not be prejudiced in light of the fact that the Court has already granted First Bank an extension to file its Purchase Money Claim, to and including August 1, 2011. The claims filed by First Bank and the Gibson Trustee may involve the same Purchase Money and distributions cannot be made by the Eastern Livestock Bankruptcy Estate until after August 1, 2011.

WHEREFORE, the Gibson Trustee, by counsel, respectfully requests that the Court enter an Order extending the May 2, 2011 bar date to file Purchase Money Claims on behalf of the Gibson Bankruptcy Estate for an additional period of ninety (90) days, to and including July 31, 2011, which date falls on a Sunday, making the bar date to file Purchase Money Claims on behalf of the Gibson Bankruptcy Estate August 1, 2011, and for all other just and proper relief.

Respectfully submitted,

DALE & EKE, P.C.

By: /s/ Meredith R. Thomas
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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2011, a copy of the foregoing *Motion for Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee's Purchase Money Claims* was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on April 25, 2011, a copy of the foregoing *Motion for Extension of May 2, 2011 Bar Date for Filing of the Gibson Trustee's Purchase Money Claims* was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

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/s/ Meredith R. Thomas
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